GOVERNMENT OF ANDRHA PRADESH
ABSTRACT

CAF & CS Department – A.P. State Consumer Disputes Redressal Commission - Consumer Protection (Qualification for appointment, method of recruitment, procedure of appointment, term of office, resignation and removal of the President and members of the State Commission and District Commission) Rules, 2020 - Notification – Issued.

CONSUMER AFFAIRS, FOOD AND CIVIL SUPPLES (CS.II) DEPARTMENT

G.O.Ms.No:16 **Dated:19 -10-2020.**

Read the following:

1. G.O. Ms. No. 473, Food and Agriculture (CS-III), 2-9-1987.
2. Consumer Protection Act, 2019 (35 of 2019).
3. MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION (Department of Consumer Affairs), Notification dated:15-07-2020.

ORDER:

The appended notification will be published in English and Telugu in the A.P. Gazette.

2. The Director of Printing & Stationery, Vijayawada is requested to publish the notification in the Extra ordinary issue of the A.P. Gazette immediately. The Telugu translation of the Notification will be furnished by the Director of Translation to the Director of Printing & Stationery, Vijayawada for publication of the same under intimation to this Department and General Administration Department. He is also requested to take necessary action to publish the same in the District Gazettes. He is also requested to send 200 Gazette copies of the Notification to this Department. The Director of Translation is requested to furnish forthwith the translation of the Notification into the Regional Languages concerned directly to the Director of Printing & Stationery, Vijayawada to enable them to publish the same in the A.P. Gazette and District Gazette.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

KONA SASIDHAR,
EX-OFFICIO SECRETARY TO GOVERNMENT

To
The Director of Printing, Stationery and Stores Purchase (Printing Wing), Vijayawada for publication of the Notification in an extraordinary issue of the Andhra Pradesh Gazette.
The Deputy Director, Government Printing Press, Kurnool for publication in the District Gazette.
Copy to:
Andhra Pradesh State Consumer Disputes Redressal Commission, Vijayawada (2 Copies).
The Commissioner of Civil Supplies, Vijayawada.
The Director General Vigilance & Enforcement Dept, Bus Bhavan, Vijayawada.
The Director of Civil Supplies, A.P. Vijayawada.
The VC & Managing Director, A.P. State Civil Supplies Corporation Ltd, Vijayawada.
The Managing Director, A.P. Markfed, A.P. Vijayawada.
The P.S to Minister for Food and Civil Supplies, A.P. Secretariat, Velagapudi.
The Deputy Director or Translation, Translation Cell, Sectt., Vijayawada – for sending Telugu version to enable to publish the same to the A.P. Gazette.

Copy to all District Collectors.
Copy to the Scrutiny Cell of Law Department, A.P. Secretariat, Velagapudi.
Copy to the Additional Secretary to Chief Minister for kind information.
Copy submitted to the Secretary,
Department of Consumer Affairs,
Ministry of Food and Public Distribution,
Krishi Bhavan, New Delhi.- 110001.
Copy to all Joint Collectors.
Copy to all District Supply Officers in the State for information and necessary action.
SF / SC.

// FORWARDED BY ORDER //

SECTION OFFICER

[G.O. Ms. No. 16, Consumer Affairs, Food & Civil Supplies (CS.II) Department, Dated:19-10- 2020]

NOTIFICATION

In exercise of the powers conferred by Sub-section (1) of section 102 of the Consumer Protection Act, 2019 (35 of 2019), the Government of Andhra Pradesh hereby makes the following rules, namely: -

1. Short title, and commencement. —

(1)These rules may be called the Andhra Pradesh State Consumer Protection (Qualification for appointment, method of recruitment, procedure of appointment, term of office, resignation and removal of the President and members of the State Commission and District Commission) Rules, 2020.

(2) They shall come into force on the 20th day of July,2020.

2. **Definitions.**—(1) In these rules, unless the context otherwise requires, -

(a) "Act" means the Consumer Protection Act, 2019 (35 of 2019);

(b) "Selection Committee" means the Selection Committee referred to in sub-rule (1) of rule 6;

(2) The words and expressions used herein, but not defined and defined in the Act shall have the same meaning assigned to them in the Act.

3. Qualifications for appointment of President and members of the State Commission.—(1) A person shall not be qualified for appointment as President, unless he is, or has been, a Judge of the High Court;

(2) A person shall not be qualified for appointment as a member unless he is of not less than forty years of age and possesses—

(a) an experience of at least ten years as presiding officer of a district court or of any tribunal at equivalent level or combined service as such in the district court and tribunal:

Provided that not more than fifty percent of such members shall be appointed; or

(b) a bachelor's degree from a recognised university and is a person of ability, integrity and standing, and has special knowledge and professional experience of not less than twenty years in consumer affairs, law, public affairs, administration, economics, commerce, industry, finance, management, engineering, technology, public health or medicine:

(3) At least one member or the President of the State Commission shall be a woman.

4. Qualifications for appointment of President and member of District Commission.—(1) A person shall not be qualified for appointment as President, unless he is, or has been , or is qualified to be a District Judge.

(2) A person shall not be qualified for appointment as member unless he-

(a) is of not less than thirty-five years of age;

(b) possesses a bachelor's degree from a recognised University; and

(c) is a person of ability, integrity and standing, and having special knowledge and professional experience of not less than fifteen years in consumer affairs, law, public affairs, administration, economics, commerce, industry, finance, management, engineering, technology, public health or medicine .

(3) At least one member or the President of the District Commission shall be a woman.

5. Disqualification for appointment of President or member of State Commission and District Commission.––A person shall be disqualified for appointment as the President or a member of a State Commission or District Commission if he—

(1) has been convicted and sentenced to imprisonment for an offence which involves moral turpitude; or

(2) has been adjudged to be insolvent; or

(3) is of unsound mind and stands so declared by a competent court; or

(4) has been removed or dismissed from the service of the State Government or Central Government or a body corporate owned or controlled by such Government; or

(5) has, in the opinion of the State Government, such financial or other interest as is likely to prejudicially affect his functions as the President or a member.

6. Procedure of appointment.—(1) The President and members of the State Commission and the District Commission shall be appointed by the State Government on the recommendation of a Selection Committee, consisting of the following persons, namely: –

(a) Chief Justice of the High Court or any Judge of the

High Court nominated by him - Chairperson;

(b) Secretary in charge of Consumer Affairs of

the State Government – Member;

(c) Nominee of the Chief Secretary of the State— Member.

(2) The Secretary in charge of Consumer Affairs of the State Government shall be the convener of the Selection Committee.

(3) No appointment of the President, or of a member shall be invalid merely by reason of any vacancy or absence in the Selection Committee other than a vacancy or absence of the Chairperson.

(4) The process of appointments shall be initiated by the State Government at least six months before the vacancy arises.

(5) If a post falls vacant due to resignation or death of a member or creation of a new post, the process for filling the post shall be initiated immediately after the post has fallen vacant or is created, as the case may be.

(6) The advertisement of a vacancy inviting applications for the posts from eligible candidates shall be published in leading newspapers and circulated in such other manner as the State Government may deem appropriate.

(7) After scrutiny of the applications received till the last date specified for receipt of such applications, a list of eligible candidates along with their applications shall be placed before the Selection Committee.

(8) The Selection Committee shall consider all the applications of eligible applicants referred to it and if it considers necessary, it may shortlist the applicants in accordance with such criteria as it may decide.

(9) The Selection Committee shall determine its procedure for making its recommendation keeping in view the requirements of the State Commission or the District Commission and after taking into account the suitability, record of past performance, integrity and adjudicatory experience.

(10) The Selection committee shall recommend a panel of names of candidates for appointment in the order of merit for the consideration of the State Government.

(11) The State Government shall verify or cause to be verified the credentials and antecedents of the recommended candidates.

(12) Every appointment of a President or member shall be subject to submission of a certificate of physical fitness as indicated in the annexure appended to these rules, duly signed by a civil surgeon or District Medical Officer.

(13) Before appointment, the selected candidate shall furnish an undertaking that he does not and will not have any such financial or other interest as is likely to affect prejudicially his functions as a President or member.

7. Resignation by President or Member of State Commission or District Commission.—The President or any member may, by writing under his hand addressed to the State Government, resign his office at any time:

Provided that the President or member shall, unless he is permitted by the State Government to relinquish office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as a successor enters upon his office or until the expiry of his term of office, whichever is the earliest.

8. Removal of President or Member of State Commission or District Commission from office.—(1) The State Government shall remove from office any President or member, who—

(a) has been adjudged as an insolvent; or

(b) has been convicted of an offence which involves moral turpitude; or

(c) has become physically or mentally incapable of acting as such member; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member; or

(e) has so abused his position as to render his continuance in office prejudicial to public interest:

Provided that where a President or member is proposed to be removed on any ground specified in clauses (c) to (e), the President or member shall be informed of the charges against him and given an opportunity of being heard in respect of those charges.

9. Procedure for inquiry of misbehavior or incapacity of President or Member of State Commission or District Commission.—(1) If a written complaint is received by the State Government, alleging any definite charge of misbehavior or incapacity to perform the functions of the office in respect of the President or a Member of the State Commission or District Commission, the State Government shall make a preliminary scrutiny of such complaint.

(2) If on preliminary scrutiny, the State Government is of the opinion that there are reasonable grounds for making an inquiry into the truth of any misbehavior or incapacity of the President or a Member of the State Commission or District Commission, it shall make a reference to the National Commission in the case of State Commission and to the State Commission in the case of District Commission to conduct the inquiry.

(3) The National Commission or the State Commission, as the case may be, shall complete the inquiry within three months or such further time as may be specified by the National Commission.

(4) After the conclusion of the inquiry, the National Commission or the State Commission, as the case may be, shall submit its report to the State Government stating therein its findings and the reasons therefor on each of the charges separately with such observations on the whole case as it may think fit.

(5) The National Commission or the State Commission, as the case may be, shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of natural justice and shall have power to regulate its own procedure, including the fixing of date, place and time of its inquiry.

10. Term of office of President or Member.—The President and every member of the State Commission and the District Commission shall hold office for a term of four years or up to the age of sixty-five years, whichever is earlier and shall be eligible for reappointment for another term of four years subject to the age limit of sixty five years, and such reappointment is made on the basis of the recommendation of the Selection Committee.

KONA SASIDHAR

EO SECRETARY TO GOVERNMENT

ANNEXURE

[See rule 6 (12)]

CERTIFICATE OF PHYSICAL FITNESS

I hereby certify that I have examined Shri/Smt./Ms…….. and that I have not discovered that he/she has any disease (communicable or otherwise) , constitutional weakness or bodily infirmity, except…… I do not consider this a disqualification for his/her for employment as member in the State/District Consumer Disputes Redressal Commission for a period of four years or up to the age of sixty five years, whichever is earlier.

Date…….

Signature of candidate

Signature
Designation
(Civil Surgeon/District Medical Officer)

KONA SASIDHAR
EO SECRETARY TO GOVERNMENT